

ORDINANCE
CITY OF NEW ORLEANS

CITY HALL: November 30, 2007

CALENDAR NO. 26,799

NO. 22939 _____ MAYOR COUNCIL SERIES

**BY: COUNCILMEMBERS, ARNIE FEILKOW, JACKIE CLARKSON,
SHELLEY MIDIERA, STACEY HEAD, JAMES CARTER,
CYNTHIA HEDGE-MORRELL, CYNTHIA WILLARD-LEWIS (BY REQUEST)**

**AN ORDINANCE TO AMEND AND REORDAIN ORDINANCE NO. 11,628
M.C.S., AS AMENDED, TO CONFORM TO THE INTERNATIONAL MECHANICAL
CODE, 2006 EDITION, AND APPENDIX “A” THERETO; AND OTHERWISE TO
PROVIDE WITH RESPECT THERETO:**

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY

ORDAINS, That Ordinance No. 11,628 M.C.S., The Mechanical Code of City of New Orleans as amended, be and the same is hereby amended in its entirety and reordained to read as set forth in the *International Mechanical Code*, 2006 Edition, and Appendix “A”, except that the text of said document shall read as modified by the amendments on the following pages, which in the event of conflict shall supersede and take priority over any amended or unamended section. If an amendment is in conflict with only part of a section, it shall be construed as superseding only the part of the section with which it is in conflict.

SECTION 2. *The International Mechanical Code*, 2006 Edition is hereby adopted

except that the text of the Code shall read as modified by the amendments set forth and in the event of conflict the amendments shall supercede and take priority over any amended or

4 unamended section. If an amendment is in conflict with only part of a section, it shall be
5 construed as superseding only the part of the section with which it is in conflict.

1 **SECTION 3. CITY NOT LIABLE.** Nothing contained in this *International Mechanical*
2 *Code* shall be construed to relieve or lessen the responsibility or liability of any person for injury
3 or damage to persons or property caused by or resulting from any defects of any nature in any
4 work performed by said person or in any equipment owned, controlled, installed, operated or
5 used by him, nor shall the City of New Orleans, or any officer, agent or employee thereof incur,
6 or be held to assume, any liability by reason or in consequence of any permit, permission,
7 certificate of inspection or approval authorized therein, or issued or given as herein provided, or
8 by any reason of or in consequence of any things done or acts performed pursuant to any
9 provisions of this *International Mechanical Code*.

1 **SECTION 4. PRIOR VIOLATIONS.** All suits at law or in equity and all
2 prosecutions resulting from the violation of any building ordinances heretofore in effect,
3 which are now pending in any of the Courts of this State, or of the United States, shall not be
4 abated or abandoned by reason of the adoption of this *International Mechanical Code*, but
5 shall be prosecuted to their finality the same as if this *International Mechanical Code* had
6 not been adopted; and nothing in this *International Mechanical Code* shall be so construed
7 as to abandon, abate, or dismiss any litigation or prosecution now pending, or which may
8 have heretofore been instituted or prosecuted.

1 **SECTION 5. RETROACTIVE CLAUSE.** In the case of violations of mechanical
2 ordinances committed before the effective date of this ordinance, the mechanical ordinance
3 existing at the time such violations were committed shall apply and govern.

1 **SECTION 6.** That if any portion of or application of this Ordinance be held
2 unconstitutional or invalid by a Court of competent jurisdiction, such holding shall not effect the

validity of the remaining portion of or application of the Ordinance, but such remaining portion or application shall be and remain in full force and effect.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective on **JANUARY 1, 2008.**

SECTION 8. That all ordinances, or parts of ordinances, contrary to or in conflict herewith, are hereby repealed.

SECTION 9. That Chapter 1 of the International Mechanical Code, 2006 Edition, be deleted in its entirety, and thereof the following shall be substituted in lieu:

“CHAPTER 1

ADMINISTRATION

SECTION 101 - GENERAL

101.1 - TITLE. These regulations shall be known as *The International Mechanical Code, 2006 Edition*, as amended by the City of New Orleans hereinafter referred to as “this code”.

The Director of the Department of Safety and Permits as the appointing authority of the Department, and all of its Divisions, is hereinafter referred to in this code as “the Director.’

101.2 - SCOPE. The provisions of this code regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, mechanical appliances, the stationary equipment and the hoisting and portable equipment specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel

gas-fired appliance venting systems shall be regulated by the *International Fuel Gas Code*.

101.2.1 - Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.3 - Intent. The purpose of this code is to provide minimum standards to safeguard the public health, safety and general welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of mechanical systems and by the certification of the operators of the equipment specified herein.

101.3.1 - Quality Control. Quality control of materials and workmanship is not within the purview of this Code except as it relates to the purposes stated herein.

101.4 - Severability or partial invalidity. In the event any section, subsection, sentence, clause, phrase or portion of this code is, for any reason, held to be unconstitutional, illegal or void, such decision shall not affect the validity of the any of the remaining portions of this code.

SECTION 102 - APPLICABILITY

102.1 - General. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.1.1 - Other Laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.2 - Existing installations. Except as otherwise provided for in this Chapter, no provision in this code shall require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, a mechanical system or

mechanical equipment lawfully in existence at the time of the adoption of this code.

102.3 - Maintenance. Mechanical systems, both existing and new and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in compliance with the code edition under which they were installed. The owner is responsible for maintenance of the mechanical systems. To determine compliance with this provision, the Director has the authority to require the mechanical system to be reinspected.

102.4 - Additions, alterations or repairs. Additions, alterations, renovations or repairs to a mechanical system shall conform to that required for a new mechanical system without requiring the existing mechanical system to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing mechanical system to become unsafe, hazardous or overloaded.

Minor additions, alterations, renovations and repairs to existing mechanical systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is approved.

102.5 - Change in occupancy. It is unlawful to make a change in the occupancy of any structure which will subject the structure to any special provisions of this code applicable to the new occupancy without approval. The Director shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety or welfare.

102.6 – Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be

mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the Director to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

102.7 - Moved buildings. Except as determined by Section 102.2, mechanical systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

102.8 - Referenced codes and standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.9 - Requirements not covered by this code. Requirements necessary for the strength, stability or proper operation of an existing or proposed mechanical system, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the Director.

SECTION 103 - DUTIES AND POWERS

103.1 - General. The Director of the Department of Safety and Permits is hereby authorized and directed to enforce the provisions of this code. The Director shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. The interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. The interpretations, policies and procedures shall not

have the effect of waiving requirements specifically provided for in this code.

103.2 - Records. The Director shall keep, or cause to be kept, a record of the business of the Department in accordance with the public record law of the State of Louisiana.

103.3 - Application and Permits. The Director shall receive applications, review construction documents and issue permits for the installation and alteration of mechanical systems, inspect the premises for which the permits have been issued and enforce compliance with the provisions of this code.

103.4 - Notices and Orders. The Director shall issue all necessary notices or orders to ensure compliance with this code.

103.5 - Inspections. The Director shall make all of the required inspections, or shall accept reports of inspections by approved agencies or individuals. All reports of inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Director is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

103.6 - Identification. The Director shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

103.7 - Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the Director has reasonable cause to believe that there exists, in a structure or upon any premises, a condition which is contrary to or in violations of this code which makes the structure or premises unsafe, dangerous or hazardous, the Director is authorized to enter the structure or premises at all reasonable times to inspect or to perform the duties imposed upon him by this code. If such structure or premises is occupied, the Director shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Director shall

first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Director has recourse to every remedy provided by law to secure entry.

103.8 - Liability. The Director, designee or any employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or be reason of an act or omission in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of his duties and under the provisions of this code shall be defended by the legal representative for the Department of Safety and Permits until the final termination of the proceedings. The Director or any of his subordinates shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer in the Mechanical Inspection Division, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act of inclusion or omission in the performance of official duties as required by this code.

104. - PERMIT AND FEE REQUIREMENTS

104.1 - Permit Required - A permit is required to erect, install, enlarge, alter, repair, remove, convert or replace a mechanical system, the installation of which is regulated by this code. No work may commence until the required permit is issued except where the work must be performed in an emergency situation.

Exceptions: (1) approved self-contained refrigeration equipment up to 1 H.P.

(2) approved self-contained factory-built air conditioning unit, commonly referred to as "window unit" used in private residences and without ducts, [providing the air conditioning unit does not project over public property].

104.2 - Permit Applications. Each permit application, with the required fee, shall be filed with the Mechanical Inspection Division on a form furnished for that purpose and shall contain a description of the proposed work and its location. An application must be filed by a Class "A" Air Conditioning and Refrigeration Contractor with an active license and must be signed by the license holder.

104.3 - Permit Validity - Each permit application must be properly completed with the signature of the license holder, and the proper fees paid, before being processed, approved and assigned a formal mechanical permit number. Each permit application must be properly completed with the signature of the license holder, and the proper fees paid, before being processed, approved and assigned a formal mechanical permit number.

No work may commence until the permit application is approved and issued by the Mechanical Inspection Division except when failure to commence the work would be life threatening or the work is an emergency due to disaster or any uncontrolled event or occurrence.

A permit shall be construed to be authorization to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this Code, or any other ordinances adopted by the City of New Orleans, including the Comprehensive Zoning Ordinance nor shall such issuance of a permit prevent the Director from thereafter requiring a correction of errors in the Construction Documents or in the installation, construction, or of violations of this Code.

104.4 - Permit Expiration. Every permit issued shall expire if the work authorized by such

permit does not commence within six (6) months after the date of its issuance, or if the work authorized by such permit is suspended for more than six (6) months after the date of its issuance, or if the work authorized by such permit is suspended or discontinued for a period of six (6) months after the date the work began. One or more extensions of time may be allowed for the permit provided the extension is requested in writing and justifiable cause is demonstrated to the Director. When the Director grants an extension, it shall be in writing to the requestor, and the period shall not exceed ninety (90) days each.

104.5 - Permit Fees. Installations, reinstallations or alterations shall pay the fees listed below:

From 1 to 3 HP	\$12.00
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For each HP over 3 HP	\$ 3.00
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Replacing or adding prime movers (condensers)

(same fee as above)

Cooling towers

1 to 50 tons	\$35.00
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51 tons to 100 tons	\$60.00
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over 100 tons	\$80.00
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Additional fees for the associated gas and/or electric heating units are listed on the Mechanical Inspection Division Permit Application form.

The total fee for any work begun prior to obtaining the required permit, excepting the emergency or life threatening conditions, shall be the listed fee plus a penalty fee of five (5) times the listed fee for such work.

The determination of the extent of the penalty and the amount of the penalty fee for blatant and continuous violations of this Article, by any contractor, shall be in the

175 **discretion of the Director.**

176 **104.6 ALTERATION PERMITS** - Alteration permits fees shall be based on contract price at a
177 rate of \$30.00 for the first \$1500.00 of cost or part thereof plus \$10.00 for each additional
178 \$1000.00 or part thereof.

179 **104.7 - DEFINITIONS:** For purposes of definitions under this Code,

180 **1.** One (1) HP shall be considered to be equal to or less than 12,000 Btu per hour.

181 **2.** 3,413 Btu shall be considered equal to one (1) KW.

182 **3.** One boiler horsepower shall be considered equal to 33,465 Btu per hour.

183 **105 - CONSTRUCTION DOCUMENTS:**

184 Construction Documents involving mechanical installations are to be submitted at the time of
185 application for building permits. See **Article 106 - Construction Documents:** of the New
186 Orleans Amendments to the International Building Code for details.

187 **106 - ANNUAL INSPECTION AND FEES**

188 **106.1** - All Air Conditioning systems and Water Heaters in commercial and industrial
189 installations shall be subject to inspections for installation safety by the Mechanical Inspection
190 Division according to the following schedules and fees:

191 ANNUAL INSPECTIONS	FEE
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192 Commercial and Industrial Installations	
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193 Refrigeration and/or Air Conditioning systems.....	\$15.00 system
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194 Water Heater.....	\$ 7.00/system
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195 **106.2** - All inspection fees are due and payable upon receipt of the “ANNUAL INSPECTION
196 MECHANICAL EQUIPMENT” bill. Fees will be doubled after 30 days if bill remains unpaid.
197 After 60 days action will be taken to have the utilities disconnected until payment and/or

corrections has been received.

106.3 - INSPECTIONS AND POSTING

106.4 - Installation Inspection. The installer of every Class A, B or C system shall notify the Director not less than 36 hours prior to the day on which the installations are to be inspected. Failure to notify the Director as required shall be deemed a violation of this Code. The Director shall make all inspections promptly, and shall issue within 72 hours, a Certificate of Approval to the installer upon satisfactory completion of such inspections. Saturdays, Sundays and holidays shall not be included in this 72 hour period. Inspections of installations in any building or facility shall be made before the piping and connections of the system are covered and/or made inaccessible.

106.5 - SYSTEM DEFINITIONS - For the purposes of definition under this code, Refrigerating and/or air conditioning systems shall be classified as follows:

Class A. Containing 1,000 pounds or more of refrigerant.

Class B. Less than 1,000 pounds, but more than 100 pounds of refrigerant.

Class C. Less than 100 pounds to 20 pounds of refrigerant, or 5 HP or over of air conditioning or refrigeration.

107 - CERTIFICATES OF APPROVAL

The Director shall sign and issue all Certificates of Approval for the installation, repair or alteration of all air conditioning and/or refrigeration work. Said certificate shall not be issued until all work has been inspected by him and found to comply with all the requirements of this Code. Said certificate shall contain mechanical data, name of the owner or owners, and exact location of the building or premises where the installed work was accomplished.

The Mechanical Inspection Division shall keep a record of the equipment inspected in each

221 building giving the description of the equipment, the name of the owner or owners of the
222 building, the inspection date and the amount collected for such inspections and the name of the
223 installer for whom the inspection was made.

224 **108 - POSTING OF ANNUAL CERTIFICATE OF APPROVAL.** The owner shall post the
225 issued Certificate of Approval in the machinery room within 10 feet of the pressure imposing
226 element. The Director shall maintain a file and record of the Certificates of Approval issued at
227 each location.

228 **108.1 - INSTRUCTIONS.** Every owner of every Class A, B or C system shall conspicuously
229 post, as near as practical to the unit, the amount of refrigerant charge, kind of refrigerant,
230 operating directions, and precautions to be observed in case of a breakdown or leak, including
231 the following:

- 232 (1) Instructions for shutting down the system in case of an emergency.
- 233 (2) The name, address and day and night telephone numbers for obtaining service.
- 234 (3) The name, address and telephone number of the municipal inspection department having
235 jurisdiction and instruction to notify said department immediately in case of emergency.
- 236 (4) A sign showing location of main plant switch.
- 237 (5) The name or license number of Operating Engineer in charge.
- 238 (6) Location of nearest fire alarm box.
- 239 (7) Phone numbers of physician and hospital.
- 240 (8) Instructions for letting out refrigerant in case of fire.

241 **109 - AIR CONDITIONING AND REFRIGERATION CONTRACTOR**
242 **CERTIFICATION**

243 **109.1 - LICENSE REQUIRED**

A person, firm or corporation engaging in the business of installing, constructing, reconstructing, altering, repairing, or servicing any air conditioning or refrigeration system or apparatus or parts thereof, (excluding plug-in types), and who does not hold, or does not employ a person who holds, a Class "A" Air Conditioning and Refrigeration contractor's is in violation of this code.

A Class "A" Air Conditioning and Refrigeration Contractor license issued under this chapter shall not be required for the following allied contractors who are performing only their trade work on a system or apparatus having air conditioning or refrigeration work regulated by this code:

(1) Electrical

(2) Plumbing

(3) Gasfitting

(4) Sheet-metal

(5) Insulating

All of the above must, however, perform their trade work in association with or in support of an air conditioning or refrigeration system.

(6) Stationary Engineers certified in accordance with this Code, may perform work on the air conditioning and refrigeration systems, apparatus or parts thereof to include installation, construction, alteration, reconstruction, repair or service. This work is allowed only within the building, mechanical plant or plants, in which the certified Stationary Engineer is hired to operate, provided however, the necessary Mechanical Inspection Division permits required by this Code have first been obtained.

A Stationary Engineer applying for a permit with the Mechanical Inspection Division for the above work at his building, mechanical plant in which he is hired to operate, shall provide his

Boiler, Air Conditioning or Refrigeration License number. His license must be current and the status must be "Active".

110 - APPLICATIONS FOR EXAMINATIONS

Examination applicants for the Class "A" Air Conditioning and Refrigeration Contractor License or the Class "B" Journeyman Mechanic License shall complete and submit the application to the nationally recognized testing company under contract with the City of New Orleans. The application forms shall be furnished by them and they shall be properly completed in accordance with their information brochure. All applications for examination shall be submitted to the recognized testing company under contract with the City of New Orleans, prior to the deadline dates published in their issued information brochure. The application shall be accompanied by the appropriate examination fee.

111 - EXAMINATIONS

Applicants for examinations shall meet the following requirements:

(A) Applicants must be at least eighteen (18) years of age.

(B) An applicant for a Contractor license must furnish satisfactory proof of having at least five (5) years experience in the field of installation and repair of air conditioning or refrigeration systems. Satisfactory completion of a Mechanical Engineering Curriculum or Registration as a Professional Engineer shall constitute satisfactory completion of this requirement.

(C) An applicant for a Contractor license must have someone in attendance in order to receive communications from the Mechanical Inspection Division of the Department of Safety and Permits, or other persons concerned, during business hours.

(D) An applicant for a Contractors License must show successful completion and graduation in a course of study in air conditioning and refrigeration systems offered by a trade school or

technical college of recognized standing having at least a two year curriculum. This shall account for four years experience.

(E) A Class "A" Air Conditioning and Refrigeration Contractor license may be assigned to only one firm, corporation or business at any time.

(F) An applicant for a Class "B" Journeyman Mechanic license must furnish satisfactory proof of having at least four (4) years experience working in the field of installation and repair of air conditioning or refrigeration trade or show successful completion and graduation from an HVAC program at a state accredited trade school or college having at least a two-year standardized associate degree curriculum in air conditioning and refrigeration. Applicants who have completed said HVAC program shall be allowed to test.

(G) Each applicant that has passed the examination shall furnish the Mechanical Inspection Division two bust pictures (passport type), 1 inch by 1½ inches in size.

(H) License Issue - Mechanical Inspection Division shall issue the appropriate license. Licenses issued in accordance with the provisions of this code shall not be assignable or transferable to any other person.

Each license issued shall identify the name and address of the person to whom the license is issued, the date issued and the expiration date.

Before any license is issued under this code the applicant must pay the fee required for such license as defined in this code.

112 - EXAMINATIONS

112.1 - Examinations shall be held on dates as identified in the issued Candidate Information Brochure of the nationally recognized testing company under contract with the City of New Orleans.

112.2 - When a candidate passes the examination the appropriate license must be issued within 1 year. The license must be signed by the Director.

The license holder must have his license in his immediate possession at all times while performing the work for which he is licensed and shall display it upon demand.

All license shall be issued by the Mechanical Inspection Division.

112.3 - RE-EXAMINATIONS

If an applicant fails to make a passing grade on the examination, he is permitted to apply to be re-examined at the next regularly scheduled examination date. There is no limit to the number of examinations a candidate is allowed to take.

112.4 - DEFINITION OF LICENSE CLASSIFICATIONS

Class "A" Air Conditioning and Refrigeration Contractor -

Any person, firm or corporation engaging in the business of installing or contracting to install or repairing or contracting to repair air conditioning, refrigeration or any mechanical equipment associated with the refrigeration process.

Class "B" Journeyman Mechanic -

Any person engaged in the trade of installing or repairing air conditioning and/or refrigeration equipment, materials or apparatus. A Class "B" Journeyman Mechanic must be employed by and work under the supervision of a Class "A" Air Conditioning and Refrigeration Contractor.

112.5 - LICENSE REVOCATION OR SUSPENSION

Licenses issued under this code may be revoked or suspended for reasons defined in this code. However, the Director may find that the public interest will be adequately protected by a warning or a suspension for a definite period of time not to exceed two years. Upon such finding the Director shall issue such warning or order such suspension. Upon revocation, the Mechanical

Inspection Division shall not accept an application for a new license or a renewal within two (2) years from the date of such revocation unless a shorter time period is granted at the discretion of the Director based on the circumstances of the revocation or suspension.

If an Air Conditioning and Refrigeration Contractor license is suspended or revoked, a new license shall be issued to such person only after application as a new applicant, and passing the required examination.

112.6 - REVOCATION OR SUSPENSION REASONS

1. Violating, either willfully or maliciously, or by reason of incompetence, any provision of this code.

2. Conviction of any offense involving the defrauding of any person for whom a service has been rendered or contracted to be rendered under this chapter.

3. Fraud or misrepresentation in obtaining a license or permit.

4. Conviction of drunkenness or the use of narcotics.

5. Adjudication of insanity.

6. Securing a permit for mechanical work not actually performed by the Class "A" Air Conditioning and Refrigeration Contractor or by certified employees under his control, supervision, direction and responsibility.

7. Securing a permit under any pretext for an installation concerning which the applicant has no valid contract.

8. Performing any air conditioning or refrigeration work as defined herein for which no mechanical permit has been obtained.

9. Refusing to finish work for which a permit was taken and for which payment was accepted.

10. False, misleading or deceptive advertising.

11. Any medical reason wherein a physician's medical opinion is provided to the Director indicating the person certified is unable to satisfactorily perform the duties and functions expected of a Class "A" Air Conditioning and Refrigeration, or a Class "B" Journeyman Mechanic license holder, and any further performance in the air conditioning or refrigeration field as a result of present continued activity or any future license renewal would be a danger to himself and endanger the life and property of others.

112.6.1 - LICENSE RENEWAL

The Director may withhold the renewal of any license by the same process used for revocation or suspension of issued licenses, as described in this Code.

112.7 - CODE VIOLATION HEARING

If needed, the Director shall initiate a hearing, in conjunction with the Chief Building Official, or the Chief Mechanical Inspector, to review a code violation the Chief Mechanical Inspector has determined to exist, that would effectuate any license issued by the Mechanical Inspection Division to be suspended or revoked.

112.8 - NOTICE OF HEARING

Any time the Director is shown the existence of one or more violations that are grounds for revocation, or there is filed with the Mechanical Inspection Division a complaint of any person alleging the existence of any such violations, and if the Director has determined these grounds to be valid, it shall be his duty to serve upon the alleged violator a notice of the alleged grounds for revocation. The notice shall be served upon the holder of the license stating the time, date, and place of a violation hearing. The notice shall enumerate the cause or causes for suspending or revoking the license. The notice may be mailed by registered or certified mail to the holder of the license at the address of his place of business as given by him on his application for the

license, or it may be served on him in person by a Police Officer or employee the Mechanical Inspection Division of the Department of Safety and Permits.

The alleged violator shall have the right to appear at such hearing, be represented by counsel, produce evidence, and cross examine witnesses.

If after such hearing, it is determined that one or more of the above grounds do exist for suspension or revocation, the Chief Mechanical Inspectors final action shall be coordinated with the Chief Building Official, the Building Official and/or the Director.

The Chief Mechanical Inspector shall enter a written finding to the Director of the Department of Safety and Permits.

112.9 - LEGAL ADVISOR

The City Attorney shall be legal advisor to the Director.

112.10 - APPEAL PROCEDURE

An appeal from this decision may be taken to the Board of Building Standards and Appeals within ten (10) days of written notification to the appellant.

113 - INSURANCE

Before a Class "A" Air Conditioning and Refrigeration Contractor license is issued (initial) or re-issued (renewal), each certified Class "A" Air Conditioning and Refrigeration Contractor must provide evidence of the following to the Director when he registers with the Mechanical Inspection Division.

113.1 - MINIMUM INSURANCE REQUIREMENTS:

(A) Workers' Compensation Insurance in accordance with Louisiana state law.

(B) Comprehensive general liability insurance coverage with limits of not less than \$500,000 per occurrence for bodily injury and \$250,000 per occurrence for property damage, with

405 coverage extended as follows:

- 406 (i) Operations-premises liability:
- 407 (ii) Independent contractor's liability-broad form:
- 408 (iii) Contractual liability - broad form:
- 409 (iv) Completed operations and products liability.

410 All such insurance shall be issued by a company duly registered and/or authorized to write such
411 insurance in the State of Louisiana. Compliance with this section shall be considered as having
412 been met when a copy of the policy, or a certificate of insurance has been filed with and
413 approved by the Department of Safety and Permits.

414 Such policy shall include an endorsement thereon that the Department of Safety and Permits
415 will be notified at least 10 days in advance in the event the policy or policies are canceled or
416 permitted to lapse by not renewing before the expiration date of the certificate.

417 **114 - FEDERAL IDENTIFICATION NUMBER AND OCCUPATIONAL LICENSE**

418 Before a Class "A" Air Conditioning and Refrigeration Contractor license is issued (initial) or re-
419 issued (renewal), each certified Class "A" Air Conditioning and Refrigeration Contractor must
420 provide his Federal Identification (ID) number and his Parish Occupational license number to the
421 Director when he registers with the Mechanical Inspection Division.

422 **115 - LICENSE FEES**

423 (A) To register a license an applicant shall pay the applicable fee as follows:

424	Class "A" Air Conditioning and Refrigeration Contractor	\$100.00
425	Class "A" Air Conditioning and Refrigeration Contractor (INACTIVE).....	\$25.00
426	Class "B" Journeyman Mechanic.....	\$50.00

427 (B) Fees for license registration shall be remitted to the Mechanical Inspection Division and

made payable to the "City of New Orleans".

115.1 - PAYMENT OF FEES: DATES FOR RENEWAL OF ACTIVE LICENSES

The registration fee shall be paid at the time the application is presented for the initial or renewal license issuance.

The Class "A" Air Conditioning and Refrigeration Contractor License shall expire on the applicant's date of birth. The renewal registration fee for the Class "A" Air Conditioning and Refrigeration Contractor is due and payable to the "City of New Orleans" on the first regular day of business after the applicant's date of birth. No license renewal shall be issued unless all work specified on permit(s) filed more than three months prior to the applicant's date of birth has been completed, or a written reason, sufficient to the Director, has been submitted and approved, indicating why the job installation(s) remains incomplete.

A single license shall be issued to any contractor applicant successfully satisfying all of the requirements of the City for both of the trades of Class "A" Master Gasfitter and Class "A" Air Conditioning and Refrigeration Contractor. His issued license shall be known as the "Dual Contractor License". The "Dual Contractor License" shall also expire on the applicant's date of birth. Application and renewal fees for the "Dual Contractor License" shall be submitted to the Director prior to the first regular day of business after the applicant's date of birth.

Application and renewal fees for the Air Conditioning and Refrigeration Contractor license shall be submitted to the Director prior to the applicant's date of birth.

Should a Class "A" Air Conditioning and Refrigeration Contractor fail to renew his license prior to the first regular day of business after his date of birth, or fail to complete the work specified on his permit(s) issued more than three (3) months prior to his date of birth, a delinquent fee of \$10.00 per month shall be added to the renewal fee beginning on the first regular day of business

after his date of birth.

No permit application shall be processed, nor shall any permit be issued to any applicant who has not been issued a current valid license for the year of the permit application.

Failure to renew a Class "B" Journeyman Mechanic license prior to the first regular day of business after his date of birth shall require a delinquent fee of \$5.00 per month added to the renewal fee beginning on the first regular day of business after his date of birth.

Failure to renew any Class "A" Air Conditioning and Refrigeration, or Class "B" Journeyman Mechanic expired licenses within a one year period shall require a new application and re-examination and shall be considered as a new applicant.

116 - INACTIVE LICENSE

A Class "A" Air Conditioning and Refrigeration Contractor who so desires may, by written request to and approval of the Director, change his license to an inactive status. The Class "A" Air Conditioning and Refrigeration Contractor may continue his inactive status by paying an annual renewal fee of \$25.00. The inactive Air Conditioning and Refrigeration license expires on the applicant's date of birth of the year of issue. The inactive status license must be renewed each year and the Director must be notified in writing that the contractor desires to remain in the inactive status for the ensuing year.

The Class "A" Air Conditioning and Refrigeration Contractor may revert his license back to an active status by a written request to and approval by the Director. Reverting the license back to the active status requires the payment of the full active fee as required in this Code.

No Class "A" Air Conditioning and Refrigeration Contractor shall engage in the business as an air conditioning or refrigeration contractor while his license is in an inactive status. An inactive license holder can, however engage in air conditioning and refrigeration work under the

supervision of an active first class license holder.

Only one Air Conditioning and Refrigeration Contractor status change to inactive shall be allowed in any twelve (12) month period.

117 - PROHIBITION AGAINST LICENSE TRANSFER

No Class "A" Air Conditioning and Refrigeration Contractor shall assign or in any way convey his license to anyone by power of attorney or any other process or become involved in any type of agreement, assignment or use whereby he will not have supervision, direction, control or responsibility for the air conditioning and/or refrigeration work for which he has obtained a permit from the Mechanical Inspection Division of the Department of Safety and Permits.

No Class "B" Journeyman Mechanic shall assign or in any way convey the use of his license, or any rights thereunder, to anyone by power of attorney or any other process.

118 - AIR CONDITIONING AND REFRIGERATION CONTRACTORS' AND OWNER'S RESPONSIBILITIES

118.1 The Class "A" Air Conditioning and Refrigeration license holder shall keep on file with the Director, a letter designating which person, partnership, firm or corporation he represents. He shall notify the Director within 10 days of any status change. The Class "A" Air Conditioning and Refrigeration license holder shall represent only one person, partnership, firm, or corporation.

118.2 - Every Class "A" Air Conditioning and Refrigeration Contractor, certified in accordance with these regulations, shall be responsible for any defects of construction installed by him until such time as a Certificate of Approval has been issued by the Director. Also, any and all defects (discrepancies) that may have been concealed by such Class "A" Air Conditioning and Refrigeration Contractor and discovered after a Certificate of Approval has been issued shall be

the responsibility of and corrected by said Class "A" Air Conditioning and Refrigeration Contractor.

After the issuance of the Certificate of Approval by the Director, the person, firm or corporation in whose name the utility service is contracted for, shall be responsible for any and all defects.

119 - DISPLAY OF AIR CONDITIONING AND REFRIGERATION CONTRACTOR'S SIGN

Every location where the installation of air conditioning and/or refrigeration work or any work of a mechanical nature is being done, shall have displayed in a conspicuous place, a sign giving the name and address of the person, firm or corporation doing the air conditioning and/or refrigeration work.

The sign shall include the license number, name, address and telephone number of the person, firm or corporation and the words "CLASS "A" AIR CONDITIONING AND REFRIGERATION CONTRACTOR" in letters not less than two (2) inches high.

Failure to display such sign by the installing Class "A" Air Conditioning and Refrigeration contractor or the display of such a sign by other than duly certified Class "A" Air Conditioning and Refrigeration Contractors shall constitute an attempt to circumvent the safety and welfare of the general public and shall be in violation of this Code.

119.1 - Every Class "A" Air Conditioning and Refrigeration Contractor shall permanently install a sign on each work vehicle utilized in the performance of his duties and responsibilities as a Class "A" Air Conditioning and Refrigeration Contractor as defined in this Code. The vehicle sign shall contain the license number of the Class "A" Air Conditioning and Refrigeration Contractor, the name, address and the telephone number of the person, firm or corporation, in letters not less than two (2) inches high.

119.2 - PUBLIC ADVERTISING OR ADVERTISEMENT OF SERVICES

1. Every Class "A" Air Conditioning and Refrigeration Contractor advertising or proposing to advertise to the general public for the purposes of obtaining any of the types of air conditioning and/or refrigeration work, in Orleans Parish, as defined in this Code, shall provide his license number, the name, address and telephone number of the person, firm or corporation.

2. Advertising for the purposes of obtaining work in Orleans Parish as defined in this Code, by any person other than a certified Class "A" Air Conditioning and Refrigeration Contractor shall constitute an attempt to circumvent the general health, welfare and safety of the public and shall constitute a violation of this Code.

3. The display of such a sign or advertising for the purposes of obtaining work by any person other than a duly certified Class "A" Master Gasfitter Contractor shall constitute a violation of this Code.

4. Deceptive or false advertising shall constitute an attempt to circumvent the general health, welfare and safety of the public and shall constitute a violation of this Code.

120 - BOILERS, HEATING SYSTEMS AND UNFIRED PRESSURE VESSELS

120.1 All power boilers and low pressure heating boilers shall be inspected annually.

EXCEPTIONS:

1. This Section shall not apply to boilers, heating systems or unfired pressure vessels in marine or railroad service, which are under the inspection regulations of the United States Government.

2. This Section shall not apply to low-pressure boilers, low-pressure hot water or steam heating systems and hot water supply systems located in a private residence or dwelling of two (2) families or less.

3. This Section shall not apply to any unfired pressure vessel of 5 cu. ft capacity or less or any

543 vessel designed for pressures not exceeding 250 psi provided they comply with the rules for
544 construction and installation in this Code and are stamped as required by ASME B31.9.

545 **120.2** All unfired pressure vessels over 5 cu. ft. shall be inspected at least once annually.

546 **120.3** All boilers, heating systems or unfired pressure vessels shall be inspected by the Director
547 during their installation.

548 **120.4** The owner or user shall apply a hydrostatic test to a boiler, heating system or unfired
549 pressure vessel when advised to do so by the Director.

550 **121 - ANNUAL OPERATING CERTIFICATE FEES AND PERMITS**

551 **121.1** The following fees shall be charged annually:

552 Boilers thru 20 HP \$20.00

553 Boilers thru 100 HP \$25.00

554 Boilers over 100 HP \$30.00

555 Unfired Pressure Vessels which cannot
556 be inspected internally \$12.00

557 Unfired Pressure Vessels which can
558 be inspected internally \$20.00

559 **121.2** Every person, firm or corporation proposing to install or repair boilers, heating systems,
560 hot water supply systems or unfired pressure vessels shall file a written request for a permit with
561 the Director and pay the following fees:

562 Boilers - 1 thru 10 HP \$25.00

563 Each additional HP \$3.00

564 Unfired Pressure Vessels not designed for
565 internal inspections \$20.00

566 Unfired Pressure Vessels designed for internal inspections thru 200 gallons nominal
567 fluid capacity\$25.00
568 Over 200 gallons, each additional
569 100 gallon capacity \$30.00
570 Repairs for the first \$1,500.00 of cost \$30.00
571 Each \$1000.00 over the first \$1,500.00
572 or part thereof\$10.00
573 Permits obtained after installation has begun shall pay the regular fee plus a penalty fee of five
574 (5) times the regular fee amount.

575 **122 - REVOCATION OF CERTIFICATES**

576 When a boiler, heating system or unfired pressure vessel is found to be in a dangerous condition
577 and its continued operation would be a source of danger to life and property, the Director shall
578 immediately revoke the Certificate of Approval and the owner or user shall be ordered to cease
579 operating same immediately. If the owner or user refuses to comply with the order, the Director
580 shall have the authority to order the Utility Company to disconnect the service from the building,
581 premises or structure where the dangerous boiler, heating system or unfired pressure vessel is
582 being operated.

583 **123 - SPECIAL EVENTS AIR CONDITIONING AND REFRIGERATION**

584 A Special Event shall include, but not be limited to fairs, festivals, carnivals, circuses, road
585 shows, trade shows, concerts, displays, expositions and/or such other functions with a temporary
586 status generally taking place outdoors and/or indoors at a permanent location or building
587 utilizing the electrical service at that location or building to power the temporary installation of
588 air conditioning and/or refrigeration equipment or other mechanical equipment to support the

589 Special Event.

590 This includes the temporary installation of air conditioning and/or refrigeration equipment or
591 other mechanical equipment of any description to be powered by the use of self generated
592 electrical equipment either rented or owned by any of the types of Special Event.

593 A permit is required for the Special Event temporary installation air conditioning and/or
594 refrigeration or other mechanical equipment of any description.

595 All Certificates of Approval issued for the Special Events air conditioning and/or refrigeration
596 equipment or mechanical equipment of any description may be revoked at the discretion of the
597 Director if the continued use of such mechanical equipment for the Special Event is deemed
598 unsafe and not in the interest of the safety, health and welfare of the general public for which the
599 event was initially allowed.

600 **124 - DISCONTINUANCE OF UTILITY SERVICES**

601 (A) Whenever the Director determines the construction, repair or installation of any air
602 conditioning and/or refrigeration system, or power source, or mechanical equipment at any
603 municipal address or location to be in a dangerous, hazardous or perilous condition and
604 imminently threatening to the safety, health and welfare of the users, occupants or the general
605 public, immediate notification shall be given to the utility company to disconnect the meter or
606 remove any utility service to the building or location. No utility service shall be resumed until
607 the necessary corrections have been completed as required by this Code.

608 (B) Whenever, in the opinion of the Director, any air conditioning and/or refrigeration
609 installation of mechanical equipment or power source in any building is unsafe or in a dangerous
610 condition, or any mechanical construction, installation, or repair work has been installed or is
611 being used in violation of this Code or is being used in violation of the use provisions of the

612 Comprehensive Zoning Ordinance as interpreted by the Zoning Administrator, the Director shall
613 send written notice to the person, firm or corporation responsible for the violation(s) to correct
614 such condition(s) within the time specified in the written notice. This period may not be
615 extended except by written permission from the Director.

616 Failure to comply with this notice shall empower the Director to:

617 (1) file charges in the Municipal Court of the City of New Orleans; and/or

618 (2) seek relief through Civil District Court or another Court of competent jurisdiction; and/or

619 (3) notify as provided in Chapter 6, Article II, of the Code of the City of New Orleans, the owner
620 of record and/or any other person whom the City Attorney identifies as required to receive
621 notice, to appear before an Administrative Hearing Officer to show cause why the said owner
622 and/or person should not be adjudicated as a violator to the said Chapter 6, Article II.

623 If the above Courts and/or Administrative Agency determines that the owner and/or person is in
624 violation of the provisions of this Code or the provisions of the Comprehensive Zoning
625 Ordinance as interpreted by the Zoning Administrator, and such violations have not been
626 corrected within 10 days of said determination, the Chief Mechanical and/or Chief Electrical
627 Inspector shall have authority to order the service of the utility company to be discontinued until
628 such time the violations have been corrected. When the violations have been corrected and the
629 location is re-inspected by the Director, he shall notify the utility company in writing that the
630 utility service(s) may be reconnected. Corrections of all such violations must be performed by
631 licensed contractors.

632 (C) If any premises or location has been without gas service or electrical power for a period
633 exceeding six (6) months, a permit must be obtained and a re-inspection made prior to the
634 connection of any utility service.

125 - WORK BY OTHER THAN MECHANICAL CONTRACTORS

No person, firm or corporation, erecting, repairing, or altering buildings, erecting signs, altering, changing or installing plumbing or engaged in any other work, shall close in or conceal any wiring or raceway, nor cut, break, destroy, disconnect or in any other manner interfere with the arrangements of any air conditioning and/or refrigeration equipment whether inside or outside of any building or premises without receiving a permit from the Director.

Before such permit will be issued, said person, firm or corporation shall provide the Director with a written notice at least forty-eight (48) hours before such contemplated work is to commence.

The work of altering, changing or disconnecting such air conditioning and/or refrigeration equipment, by other than a mechanical contractor, must be done under the supervision of a Class "A" Air Conditioning and Refrigeration Contractor.

126 - EXTRA INSPECTIONS FEES

(A) Extra Inspection or wasted trip - When any person, firm or corporation, after notice has been given to the Director, shall be found to have violated any of the requirements of this Code, or when through any such violation by any person, firm or corporation doing the work, it shall become necessary to make extra inspections because of a wasted trip, a fee of \$50.00 shall be charged.

This charge is for each and any extra inspection made necessary as a result of blatantly incomplete work, inaccessibility to perform the inspection or for alterations to work previously accepted. This fee is in addition to any regular required permit fees.

(B) Fire Marshal Inspection - When any person, firm or corporation requests a complete mechanical inspection of existing installations as ordered by and/or in compliance with the

658 Louisiana State Fire Marshal Act, a fee of \$25.00 shall be charged.

659 **(C) After Hour Inspections** - When any person, firm or corporation requests a mechanical
660 inspection of any installed mechanical equipment to be performed at a time other than the regular
661 designated working hours of the Mechanical Equipment Inspectors of the Department of Safety
662 and Permits, the request and reason for the after hour inspection must be made to and approved
663 by the Director prior to any inspector assignment.

664 A fee of \$175.00 shall be charged to the person, firm or corporation requesting this after-hour
665 inspection. Payment of this fee must be made to the "City of New Orleans" within forty-eight
666 (48) hours of the request for the inspection and is to be paid in addition to any regular required
667 permit fees in this Code.

668 **127 - EXEMPTIONS**

669 Nothing in this Code shall apply to companies regulated by the Louisiana Public Service
670 Commission or the utility company where mechanical work is performed on the utility company
671 property or on the supply side of any utility company meter.

672 **128 - BASIC STANDARDS**

673 No air conditioning and/or refrigeration work shall be installed or placed in or on any building,
674 structure or premises, unless this work is in conformity with approved methods of construction.
675 Compliance with the regulations in the applicable safety codes shall be "prima facie" evidence of
676 conformity with such approved methods.

677 All mechanical devices, fittings, materials, equipment, and appliances shall be those approved
678 for the purpose for which they are used. Only such mechanical devices, fittings, materials,
679 equipment, and appliances, that are constructed in conformity with their listing or labeled by a
680 testing laboratory acceptable to the Director, shall be installed. The satisfactory listing or

labeling of these devices, fittings, materials, equipment, and appliances shall be the "prima facie" evidence of conformity with the requirements of this Code.

129 - STANDARD AIR CONDITIONING AND REFRIGERATION MATERIALS

Before any air conditioning and refrigeration material, appliance, or equipment is used, it shall be constructed in conformity with the current methods (to include but not be limited to Underwriters Laboratories, Inc. (UL), Factory Mutual (FM), Canadian Standards Association (CSA), American Gas Association (AGA) and others listed by the SBCCI Public Safety Testing & Evaluation Service, Inc. (PST & ESI) to insure safety to life and property.

130 - ALTERNATIVE MATERIALS, METHODS AND EQUIPMENT

The provisions of this Code are not intended to prevent the installation or use of any material or to prohibit any method of construction not specifically prescribed by this Code, provided any such alternative has been approved by the Director. The Director shall approve any such alternative, provided he finds that the alternative for the purpose intended is at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety. The Director shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative. The Director may recommend an amendment to this Code in order to make permissible the use of said alternate. If in the opinion of the Director, the evidence and proof are not sufficient to justify approval or recommendation for an amendment, the applicant may refer the entire matter to the Board of Building Standards and Appeals as specified in Article 112 of the *International Building Code*®, 2006 ed., as amended.

131 - TESTS OF MATERIALS AND SYSTEMS OF CONSTRUCTION

Where new and/or alternative systems of construction, qualities of materials or tests are proposed

for use, tests may be required by the Director. Such tests shall be made at the expense of the owner or his agent by a testing laboratory or other organization approved by the Director. When required by the Director, such tests shall be witnessed by him or his designee. The owner or his agent shall notify the Director of the time and location of all such tests so that he may be present. Certified copies of all test reports shall be filed with the Director for his final approval before the systems of construction or materials are used.

132 - ELEVATORS, MOVING STAIRS AND DUMBWAITERS

132.1 - Each elevator, dumbwaiter, hoist, moving stair and chair lift, used or proposed to be used in this City, shall be inspected by the Director. If found to be suitable and to conform to the requirements of this Code, the Director shall issue the owner or user thereof, an inspection certificate. Such inspection certificate shall be valid for twelve (12) months from its date of issuance and shall be posted in a conspicuous place.

132.2 - The Director may at any time suspend an inspection certificate when, in his opinion, the elevator, moving stairs, dumbwaiter or hoist for which it was issued may not continue to be operated without danger to the public safety. Such suspension of an inspection certificate shall continue in effect until said elevator, moving stairs, dumbwaiter or hoist shall have been made to conform to the requirements of this Code.

132.3 - Not more than twelve (12) months shall lapse between inspections of elevators, moving stairs, dumbwaiters, hoists and other installations as listed in ANSI A17.1. Interval inspections as prescribed by ANSI A17.1 shall be "prima facie" evidence of compliance with this article.

133 - FEES FOR ANNUAL CERTIFICATES OF OPERATION

For each elevator, moving stairs, dumbwaiter, hoist\$50.00

133.1 - Every person, firm or corporation proposing to install or repair elevators, moving stairs

727 dumbwaiters, or hoists shall file a written request for an installation permit with the Director and
728 pay the following fees:

729 For each elevator, moving stairs, dumbwaiter, or
730 manlift, (2 thru 10 floors)..... \$60.00
731 (over 10 floors).....\$100.00
732 For each Workman's Hoist (passenger)..... \$250.00
733 For each Builders Hoist..... \$200.00

734 **133.2** - The repair fees for elevators, moving stairs, or dumbwaiter shall be in accordance with
735 this Code.

736 **133.3** - Permits obtained after the installation has begun shall be the listed permit fee plus a
737 penalty fee of five (5) times the listed fee for such work.

738 **134 - INSPECTION BY LICENSED INSURANCE COMPANIES**

739 **134.1 - COMMISSIONED INSPECTORS**

740 All inspections required on insured boilers, unfired pressure vessels, refrigeration and/or air
741 conditioning systems and water heaters may be conducted by licensed insurance company
742 inspectors, subject, however, to certain conditions hereinafter set forth. The burden of proving
743 that these conditions have been fulfilled is incumbent on the licensed insurance company.

744 Any insurance company licensed by the State of Louisiana to inspect and insure boilers, unfired
745 pressure vessels, refrigeration and/or air conditioning systems and water heaters may make
746 application to the Director to have inspectors employed by said insurance companies
747 commissioned as Special Inspectors of the City of New Orleans. Such inspectors shall receive
748 no salary or remuneration of any kind from, nor shall any of their expenses be paid by the City of
749 New Orleans.

The duration of the commissioned Special Inspector shall be conditioned upon his continued employment with the licensed insurance company making the original application, and upon said insurance company's maintenance of the standards required of this Code. The Special Inspector Commission is issued for only one licensed insurance company. The Special Inspector shall notify the Director of any change in status of his employment within 10 days of the change.

All applicants for a Special Inspector's Commission to inspect boilers, unfired pressure vessels, refrigeration and/or air conditioning systems and water heaters shall hold a *Boiler and Pressure Vessel Inspector Commission* issued by the National Board of Boiler and Pressure Vessel Inspectors.

Any licensed insurance company desiring to qualify an inspector under the provisions of this Article must maintain a regular inspection service in the City of New Orleans and must have at least one duly commissioned Special Inspector.

Every licensed insurance company employing these Special Inspectors shall furnish the Director an inspection report of all mechanical equipment insured and inspected by them, the location of the equipment, the owner or user of the equipment and the date the present inspection certificate on the equipment expires. The report list shall include any added or deleted equipment from the submitted report of the previous year.

Inspections of all boilers, heating systems, unfired pressure vessels, air conditioning and/or refrigeration systems and water heaters, when such objects are insured and inspected as required by this Code. Equipment inspected by an inspector employed by a licensed insurance company and commissioned by the Director as a Special Inspector, will be accepted. This equipment will be exempted from City inspections upon the payment of applicable inspection fees. The inspection of the initial installation of the above objects shall be made by the Director and the inspection fees shall be paid to the City by the owner or user as required.

The inspection of all replacement installations which requires the Director's approval of plans and specifications shall also be made by the Director and the applicable inspection fees shall be paid to the City by the owner or user.

134.2 - FEES

For Commercial and Industrial installations, the licensed insurance company shall collect for the City of New Orleans a \$10.00 annual certificate fee for each insured boiler, unfired pressure vessel, refrigeration and/or air conditioning system or other insured equipment and a \$5.00 annual certificate fee for each water heater. The fee shall be paid by the owner or user of such insured equipment.

These fees shall be made payable to "The City of New Orleans" and submitted to the Mechanical Inspection Division at the time the annual data inspection report is filed with the Director. On all refrigeration and/or air conditioning systems, no exemption from City inspections shall be granted or recognized unless the complete and entire system, exclusive of the prime mover, is insured and inspected.

Special Inspectors shall make all inspections as required by this Code. The inspection reports furnished to the Director shall be on appropriate *ASME* or *National Board of Boiler and Pressure Vessel Inspectors* forms or any other form prescribed by the City of New Orleans.

If an inspection report indicates that violations of this Code exist, **the licensed insurance company** shall cause those violations to be corrected. If said violations are not corrected within thirty (30) days, the licensed insurance company shall report the violation to the Director and he shall cause those violations to be corrected and shall collect from the owner or user the City inspection fee as prescribed within this Code.

If the licensed insurance company fails to inspect and file with the Director a complete report of inspection of the insured boiler, heating system, unfired pressure vessel, mechanical amusement device, air conditioning and/or refrigeration system and water heater within a thirty (30) day

period after the expiration date of the last issued certificate on the described objects, an inspection of the described objects shall be made by City inspectors and City inspection fees, as prescribed in this Code shall be collected from the owner or user.

The licensed insurance company shall notify the Director immediately whenever an inspection indicates an unsafe, dangerous or hazardous condition.

The licensed insurance company shall also notify the Director within thirty (30) days on an appropriate ASME or National Board of Boiler and Pressure Vessel Inspector form or form prescribed by the City of New Orleans of all new insurance and discontinuance in insurance on boilers, heating systems, unfired pressure vessels, refrigeration and/or air conditioning systems, and water heaters. If said companies or inspectors fail to comply with the above conditions and requirements, the Director may suspend or revoke commission inspection privileges granted hereunder.

135 - STATIONARY ENGINEER

It is unlawful for a person, owner, occupant, firm, partnership, association, or corporation having control or management of any building, structure or plant, to operate or permit to be operated any boiler, steam engine, internal combustion engine, refrigeration and/or air conditioning equipment, in the City of New Orleans without a properly qualified person having the necessary license on the premises at all times while such stationary equipment is in operation.

The exact location of the building, structure or plant shall be indicated on the face of the issued license and this issued license shall be limited to that indicated location only.

Upon failure to comply with the above, thereby creating an unsafe and dangerous condition for the general public, the Director, shall notify the owner in writing to correct such condition within 10 days. This period may not be extended except by written permission from the Director of the

823 Department of Safety and Permits. Upon failure to comply with this notice, the respective
824 Electrical and/or Mechanical Division Chiefs shall request the Utility Company to discontinue
825 either the electric and/or gas service, until such time that a person with a valid license is
826 operating the stationary equipment in the discrepant building, structure or plant. If the utilities
827 have been discontinued, and license compliance has been completed, either the Chief Electrical
828 Inspector or the Chief Mechanical Inspector, or both, shall notify the Utility Company that
829 electric and/or gas service may be restored.

830 **136 - HOISTING AND PORTABLE LICENSES REQUIRED**

831 A person must secure and maintain from the Mechanical Inspection Division a current valid
832 license before operating the following hoisting and portable equipment.

833 Backhoes - tractor/loader

834 Bulldozers - Equivalent of D-3 or larger

835 Tower Cranes

836 Crawler Cranes and Motor Cranes - all sizes

837 Hydraulic Excavators - 5/8 cu. yd. capacity and larger

838 Front End Loaders - 1/2 cu. yd. capacity and larger

839 Hydraulic Truck Cranes

840 Motor Graders

841 Scrapers

842 Rollers and Compactors with seats

843 Fork Lifts - 6,000 lbs capacity and over

844 Concrete Pumps

845 The Hoisting and Portable Engineer must have the license in his possession at all times when
846 operating the equipment and must display it upon demand of the Director, or designated
847 representative.

848 **136.1 - ENFORCEMENT AND PENALTIES**

849 It is unlawful for an unlicensed person to operate or for a contractor to permit an unlicensed
850 person to operate any hoisting and portable equipment. The Department of Safety and Permits
851 may pursue charges against the individual and the contractor. The penalty for a violation of this
852 code is a maximum fine of \$500.00, or 90 days in jail, or both, for each day that the violation
853 occurs.

854 If an unlicensed person is found to be operating hoisting and portable equipment, the mechanical
855 inspector shall direct the operator to cease operation of the equipment immediately and the
856 equipment shall not be operated until a licensed operator is available to operate the equipment.
857 The mechanical inspector is to advise the contractor of the violation.

858 **137 - DEFINITIONS AND REFERENCES**

859 The air conditioning and refrigeration tonnage referred to in this Code shall be in accordance
860 with the ASHRAE Code. The boiler horsepower referred to in this Code shall be in accordance
861 with the ASME Code.

862 **138 - EQUIPMENT AND SYSTEMS REQUIRING STATIONARY ENGINEERS AND** 863 **CLASSIFICATION OF LICENSES**

864 **138.1** A First Class License is required for an operator to operate the following:

865 Boilers - unlimited.

866 Steam engines - unlimited.

867 Internal combustion engines - unlimited.

868 Refrigeration and/or air conditioning systems
869 using Group A1, B2 Refrigerants - unlimited.

870 A Second Class License shall be required for any operator to oversee or manage any of the above
871 equipment under the direct supervision and guidance of a First Class Engineer.

872 The First Class Engineer must be continuously available to advise the Second Class Engineer(s)
873 whom he supervises.

874 **138.2** A Second Class License is required for an operator to operate the following:

875 Boilers up to 150 horsepower.

876 Steam engines up to 150 horsepower.

877 Internal combustion engines up to 150 horsepower.

878 Refrigeration and/or air conditioning systems using Group A1, B2 Refrigerants; up to 200 tons,
879 but not more than 15 systems.

880 Air Conditioning systems using Group A1 Refrigerants; up to 200 tons but not more than 15
881 systems, maximum size of any individual unit 60 tons.

882 A Third Class License shall be required for any operator to oversee or manage any of the above
883 equipment under the direct supervision and guidance of a Second Class Engineer.

884 The Second Class Engineer must be continuously available to advise the Third Class
885 Engineer(s) whom he supervises.

886 **138.3** A Third Class License is required for an operator to operate the following:

887 Boilers up to 75 horsepower.

888 Steam engines up to 75 horsepower.

889 Internal combustion engines up to 75 horsepower.

890 Refrigeration and/or air conditioning systems using Group A1, B2 Refrigerants, up to 100 tons.

891 **139 - ANNUAL LICENSE REGISTRATION FEES**

892 **139.1 - STATIONARY ENGINEERS LICENSE**

893 Every applicant for a license, either upon the original application or for a renewal thereof, shall
894 be required to pay the following registration fees:

895 First Class Operating Engineer's License

896 Active Status.....\$50.00

897 Duplicate issue.....\$50.00

898 Inactive status.....\$25.00

899 Second Class Operating Engineer's License

900 Active status.....\$35.00

901 Duplicate issue.....\$35.00

902 Third Class Operating Engineer's License

903 Active status.....\$30.00

904 Duplicate issue.....\$30.00

905 **139.2 - HOISTING & PORTABLE LICENSES**

906 Applicants applying for a license as provided in this Code relative to portable equipment and
907 hoisting machinery.

908 Hoisting and Portable Engineer's License.....\$25.00

909 **139.3 - EXAMINATION REGISTRATION**

910 Every examination application for a Operating (Stationary) Engineer or Hoisting and Portable
911 Engineer shall be made on forms furnished by the nationally recognized testing company under
912 contract with the City of New Orleans.

913 Examination fees shall be charged for each examination and must be paid in advance of the

examination to the nationally recognized testing company under contract with the City of New Orleans.

The minimum passing grade for a stationary engineer or a hoisting and portable engineer is 70 percent. The examinations are identified in the issued brochure and administered by the nationally recognized testing company under contract with the City of New Orleans.

If an applicant fails to make a passing grade on the examination, he is permitted to apply to be re-examined at the next regularly scheduled examination date. There is no limit to the number of examinations a candidate is allowed to take.

140 - ACCEPTANCE OF OTHER TESTING AGENCY CERTIFICATION

140.1 - Any Stationary Engineer that has passed the examination of and received certification by **The National Institute for the Uniform Licensing of Power Engineers, Inc. (NIULPE)**, for any of the levels of classifications listed in Article 138 will be acknowledged and recognized by the Mechanical Inspection Division of the Department of Safety and Permits in lieu of the requirement of an additional examination by the nationally recognized testing agency under contract with the City of New Orleans. The applicant must provide documented evidence of his declared education or training for approval. The level of category and classification shall be determined by the Director. If approved, the Stationary Engineer License will be issued upon presenting the **NIULPE** certificate, completion of the necessary application forms of the Mechanical Inspection Division and payment of the applicable license registration fee.

140.2 – NCCCO – TESTING AGENCY FOR CRANES

141 - ACCEPTANCE OF OTHER JURISDICTIONAL CERTIFICATION

The Mechanical Inspection Division of the Department of Safety and Permits will extend to any mechanical contractor, operating engineer or hoisting and portable engineer, that is licensed by

another jurisdictional authority, the recognition and acceptance of his certification without the requirement of additional examination provided that the jurisdiction requires passing of an examination given by a nationally recognized testing agency before issuance of license.

If approved by the Director, the applicant shall present a copy of his license for the City of New Orleans files and complete the necessary applications as set forth by the Mechanical Inspection Division of the City of New Orleans. The applicant shall pay the appropriate fee for the classification of license for which he is applying.

This extended license registration offer does not apply to marine or railroad engineers or any type or classification of engineer not specifically approved by the Director.

142 - EXAMINATION FEES

Examination fees are determined by the nationally recognized testing agency under contract with the City of New Orleans.

143 - ISSUANCE OF MULTIPLE LICENSES

The Mechanical Inspection Division shall issue a maximum of only one additional, or second, license to any successful applicant upon written request to the Director. Payment of an amount equal to the cost of the issuance of the first license shall apply. The issuance of this additional, or second, license shall be available to any First (1st) Class, Second (2nd) Class, or Third (3rd) class stationary engineer (in all classifications) for the purposes of second employment, as long as the second employment is not in conflict with this Code.

A “duplicate” license shall be issued only in the event that the applicant is employed at a second location and the exact location of the second employment shall also be indicated on the face of the license.

The issuance of this additional, or second, license shall be affixed with the identical

endorsements as the first (original) issued license and the face of the additional, or second, license shall be prominently identified with the word "DUPLICATE". Each additional, or second, license shall expire on the same day as the first (original) issued license. The Director shall not issue any additional or "DUPLICATE" licenses with an inactive status. The "DUPLICATE" license issue is not to be used for split time service by the engineer employed by persons, firms or corporations that own or are in charge of properties at multiple locations. The "DUPLICATE" license does not apply to the Special Operators.

144 - RENEWAL OF LICENSE

144.1 Each license evidencing the necessary satisfactory qualifications of the applicant, according to the classifications stated thereon shall expire on the applicant's birth date, and must be renewed annually in order to permit the holder thereof to engage in the profession, trade or calling of Stationary Engineer or Hoisting and Portable Engineer in the City of New Orleans, according to the classification stated on said license. Each applicant shall furnish, to the Mechanical Inspection Division, two photographs (passport type), 1 in. X 1 ½ inches in size, at the time of applying for the initial license issuance or for license renewal. The photographs shall have been taken within a three (3) month period prior to the date it is affixed to the issued license.

144.2 - INACTIVE LICENSE

First class engineers not actively pursuing or involved in the practice of their trade as a Stationary Engineer may request, at their next renewal date, that their license be placed in an inactive status. The inactive license status shall apply only to a first class license holder. The fee for the issuance of the inactive license shall be in accordance with this Code. Licenses may be placed on an inactive status only on the date of renewal and only once during any twelve

month period. The face of the inactive license shall be affixed with the identical endorsements as the active license and the face of the license shall be prominently identified with the word inactive. The inactive license may be reverted back to the active status at any time; however the full fee for the issuance of an active license will be required, in accordance with this Code.

Inactive licenses do not apply to Hoisting and Portable Engineers or Special Operators.

144.2.1 The first class engineers request to make any status change of his license shall be made in writing to the Director. All license status changes shall be coordinated with and approved by the Director, and become a part of the license holders history record. The initial issuance of any first class stationary engineers license shall always be with an active status. The new inactive license shall have the same expiration date as the original active license. No inactive status license shall be approved or issued by the Director for any additional, or second, license issue, in accordance with this Code. There shall be no limit to the number of years a Stationary Engineers license may remain in the inactive status.

144.2.2 A first class stationary engineer in control of or operating any type of equipment while their current license is inactive will be in violation of this Code.

145 - FAILURE TO RENEW LICENSE

License renewal is due on the first regular day of business after the applicant's birth date. Each applicant failing to make a timely application for renewal of his license shall pay an delinquent fee of \$5.00 for each month or part thereof that his license is delinquent, to a maximum of two (2) years.

If a Stationary Engineer or Hoisting and Portable engineers license has expired for a period in excess of two (2) years after their issue date or renewal date, a re-examination is required. Any justifying excuse acceptable to the Director shall be considered to approve the payment of the

1006 delinquent fees in lieu of the re-examination requirement.

1007 If a Special Operator license holder has been expired for a period in excess of two (2) years, re-
1008 examination is required.

1009 **146 - QUALIFICATIONS OF APPLICANTS**

1010 A citizen in the United States, over the age of 18 years, may apply for an examination as
1011 indicated in this code. The applicant, however, must have served the necessary apprenticeship
1012 requirements, and must comply with the following qualifications. All applicants must furnish,
1013 one (1) letter of reference, and one (1) personal request letter. The letter of reference should be
1014 from the applicant's present or former employer, attesting to his experience and competence. The
1015 personal request letter must be addressed to the **Director** indicating the classification and desired
1016 type of equipment for which he wishes to be examined.

1017 **147 - EXPERIENCE REQUIREMENTS**

1018 **147.1** An applicant for a license as a first-class engineer shall be an operating engineer, with four
1019 (4) years of practical experience in the management, operation or construction of steam engines,
1020 boilers, internal combustion engines, refrigeration or air conditioning equipment except that
1021 those who are graduates of a recognized technical college or a graduate of a U.S. Department of
1022 Labor recognized apprenticeship training school, are required to have two (2) years of practical
1023 experience.

1024 **147.2** An applicant for a license as a second-class engineer shall be an operating engineer,
1025 having at least three (3) years of practical experience in the management, operation or
1026 construction of steam engines, boilers, internal combustion engines, refrigeration or air
1027 conditioning equipment; except that those applicants who are graduates from a recognized
1028 technical college, trade school or a graduate of a U.S. Department of Labor recognized

apprenticeship training school, are required to have one and one-half (1 ½) years of practical experience.

147.3 An applicant for a license as a third-class engineer shall have at least 2 years experience as an apprentice or junior engineer or fireman, etc., except that graduates of a recognized technical college, trade school or a graduate of a U.S. Department of Labor recognized apprenticeship training school, are required to have one (1) year of practical experience.

147.4 An applicant for a Special Operator license to operate boilers, steam or internal combustion engines specified in this Code, shall be an operating engineer, having at least 2 years practical experience as an apprentice in the operation of steam engines, boilers, or internal combustion engines. Applicants for a Special Operator licenses coming under the classifications of this Code must, to the satisfaction of the Director, establish their familiarity with the operation of the equipment in their care.

147.5 - An applicant for a license to operate all HOISTING AND PORTABLE equipment as defined in this Code, must have at least two (2) years experience. Applicants for licenses coming under the classifications of this Code must, to the satisfaction of the Director, establish their familiarity with the type of equipment they are to operate. Hoisting and Portable applicants must furnish one (1) letter of reference, and one (1) personal request letter. The letter of reference should be from the applicants present supervisor verifying the particular type(s) of equipment to be operated. The personal request letter must be addressed to the **Director**, specifying the particular type(s) of equipment for which the applicant wishes to be examined.

148 - VALIDITY OF LICENSES

All licenses as provided for in this Code must bear the signature of the Director in order to be valid.

1052 **149 - LICENSE SUSPENSION OR REVOCATION**

1053 Licenses issued under this code may be revoked or suspended for reasons defined in this code.
1054 However, the Director may find that the public interest will be adequately protected by a warning
1055 or a suspension for a definite period of time not to exceed two years. Upon such finding the
1056 Director shall issue such warning or order such suspension. Upon revocation, the Mechanical
1057 Inspection Division shall not accept an application for a new license or a renewal within two (2)
1058 years from the date of such revocation, except for medical recovery supported by a physician's
1059 report, after The Director's review and approval. A shorter time period may be granted at the
1060 discretion of the Director based on the circumstances of the revocation or suspension.

1061 If any stationary engineer or hoisting & portable license is suspended or revoked by the
1062 Director, a new license shall be issued to such person only after application as a new applicant,
1063 and passing the required examination.

1064 **149.1 - REVOCATION REASONS**

1065 **1.** Violating on more than one occasion, either willfully or maliciously or by reason of
1066 incompetence, any provision of this code.

1067 **2.** Fraud or misrepresentation in obtaining a license.

1068 **3.** False or deceptive advertising.

1069 **4.** Conviction of drunkenness or the use of narcotics.

1070 **5.** Adjudication of Insanity.

1071 **6.** Any medical reason wherein a physician's medical opinion is provided to the Director
1072 indicating that the person certified is unable to satisfactorily perform the duties and functions
1073 expected of a Stationary Engineer, Hoisting and Portable Engineer or Special Operator license
1074 holder, and that any further performance in the trade would be a danger to himself and/or

1075 endanger the life and property of others.

1076 **150 - NOTICE OF REVOCATION OR SUSPENSION HEARING -**

1077 Any time the Director is shown the existence of one or more violations that are grounds for
1078 revocation, or there is filed with the Mechanical Inspection Division a complaint of any person
1079 alleging the existence of any such violations, and if the Director has determined these grounds to
1080 be valid, it shall be his duty to serve upon the alleged violator a notice of the alleged grounds for
1081 revocation. The notice shall be served upon the holder of the license stating the time, date, and
1082 place of a violation hearing.

1083 The notice shall be served not less than ten (10) days and no more than thirty (30) days prior to
1084 said hearing. The notice shall be sent by the Director and shall enumerate the cause or causes for
1085 suspending or revoking the license.

1086 The notice shall enumerate the cause or causes for suspending or revoking the license. The
1087 notice may be mailed by registered or certified mail to the holder of the license at the address of
1088 his place of business as given by him on his application for the license, or it may be served on
1089 him in person by a Police Officer or employee the Mechanical Inspection Division of the
1090 Department of Safety and Permits.

1091 All petitions shall be prepared and prosecuted by the Law Department. If proper notice has been
1092 served upon the defendant, the hearing may proceed without his presence if he fails to appear.
1093 Certified copies of convictions involving cause for suspension or revocation in either the
1094 Municipal Courts of New Orleans or in the Criminal District Court of Orleans Parish shall
1095 constitute "prima facie" proof of a violation by the license holder.

1096 **151 - APPEAL PROCEDURE**

1097 A decision of the Director may be appealed to the Board of Building Standards and Appeals

1098 within ten (10) days of written notification to the appellant.

1099 **152 - LICENSE VERIFICATION**

1100 Any investigations, inquiries or questions regarding the proper certification of the Stationary
1101 Engineers at any building location or the Hoisting & Portable Engineers at any construction site
1102 shall be directed to the **Chief Mechanical Inspector** and performed by the duly authorized
1103 inspectors of the Department of Safety and Permits.

1104 **153 - LICENSES DISPLAYED**

1105 **153.1** License must be displayed or posted in a conspicuous place in the engine or boiler room or
1106 mechanical equipment room, for identification purposes.

1107 This license must continuously remain displayed or posted during the tenure of employment of
1108 the stationary engineer to whom the license is issued.

1109 The displayed or posted license shall not be removed after any shift duty or at a time when the
1110 stationary engineer to whom the license is issued is not on duty.

1111 The "DUPLICATE" license must be issued for any added license display or posting required in
1112 accordance with this Code.

1113 **Copies or reproductions of the issued license by any method or procedure shall be a**
1114 **violation of this code.**

1115 **153.2** Engineers who have qualified for a license for the operation of Hoisting and Portable
1116 equipment must carry the license on their person while in charge of and/or operating such
1117 hoisting and portable equipment as defined in this Code. The issued license must have the
1118 Engineers current bust picture (passport type) 1 inch X 1 ½ inch in size, as a part of the license,
1119 for identification purposes.

1120 **154 - EXEMPTIONS**

1121 **154.1** This Code does not apply in any way to engineers:

1122 (1) in charge of railroad locomotives of franchised railroads; or

1123 (2) employed by a person, firm or corporation operating under *Certificate of Public Necessity*

1124 *and Convenience* (CPNC); or

1125 (3) employed by the United States Government, the State of Louisiana, any of its Boards,

1126 Commissions or agencies, or political subdivisions, with the exception of the City of New

1127 Orleans; or

1128 (4) in charge of steamboats and steamships.

1129 **154.2** Air conditioning systems using group A1 Refrigerant may be exempt from the provisions

1130 of this Code provided such systems are under automated control by devices that will cause the

1131 system to be de-energized from electric power and go to a shutdown condition upon

1132 experiencing an equipment malfunction or fault condition and further provided that a Building

1133 Safety Summary is submitted and approved, on a case by case basis, by the Director.

1134 The Building Safety Summary shall be prepared by a **Registered Louisiana Professional**

1135 **Engineer** and shall include as a minimum:

1136 1. emergency procedures in effect in the building, and.

1137 2. a description of the automated HVAC equipment installed in the building, and

1138 3. a complete description of the operation of the shutdown system under emergency

1139 conditions.

1140 **This exemption shall not apply to hospitals, nursing homes or schools.**

1141 **154.3** Self-contained air conditioning units used for residential, commercial, or industrial

1142 purposes having an aggregate of not over 49 tons, using Group A1 Refrigerant, shall be exempt

1143 from the provisions of this code, provided they are protected with the necessary safety devices.

1144 Units under 3 tons shall not be considered in calculating the aggregate tonnage.

1145 **154.4** Hot water boilers under 200,000 Btu input and operating at a pressure not exceeding 125
1146 psi and temperatures not exceeding 210 degrees F. shall be exempted from the provisions of this
1147 Code, provided they are protected with necessary approved safety devices, are listed and are
1148 automatically controlled, and are subject to an annual inspection. Said inspections shall be made
1149 by Mechanical Inspectors of the Department of Safety and Permits or Commissioned Inspectors
1150 of an authorized insurance company commissioned by the Director of the City of New Orleans,
1151 in accordance with the *International Mechanical Code*®, 2006 edition, as amended, by the City
1152 of New Orleans.

1153 **154.5** For multiple units in a single location, aggregate Btu input of such water heaters shall not
1154 exceed 3,000,000. In calculating the Btu input, water heaters not exceeding any of the following
1155 are exempted.

1156 **1.** Heat input of 200,000 Btu per hour.

1157 **2.** Water temperature of 200 degrees F.

1158 **3.** Nominal water containing capacity of 120 gallons and equipped with safety devices in
1159 accordance with the ASME Boiler and Pressure Vessel.

1160 **4.** ASME stamped and/or AGA listing.

1161 **155 - PENALTY TO OWNER: FINES**

1162 A person, firm or corporation owning or controlling any steam engine, boiler, internal
1163 combustion engine, or any other system coming within the provisions of this Code, who
1164 authorizes or permits a person not having a proper and valid license as required under this Code,
1165 to take charge of or operate any steam engine, boiler, or any portion of a steam or internal
1166 combustion engine, refrigeration and/or air conditioning equipment, and hoisting and portable

1167 equipment as defined in this Code, shall be in violation of this Code and shall, upon conviction
1168 before any court of competent jurisdiction, be penalized within the limits and as provided by the
1169 laws of the State of Louisiana.

1170 **156 - PENALTY TO ENGINEER: FINES**

1171 A person engaged in the practice, calling, or profession as an operating engineer, or engaged in
1172 the operation of any boiler, steam engine, internal combustion engine, refrigeration and/or air
1173 conditioning equipment and hoisting or portable equipment as defined in this Code, under the
1174 terms of this Code, without being at the time the holder of a proper and valid license issued by
1175 the Mechanical Inspection Division provided herein, shall be in violation of this Code and shall,
1176 upon conviction before any court of competent jurisdiction, be penalized within the limits and as
1177 provided by the laws of the State of Louisiana.

1178 **157 - ALTERATION, REPRODUCTION, TRANSFER OR RENTING OF LICENSE**

1179 It is a violation of this Code for a license holder to alter, reproduce, transfer, lend or rent his
1180 license to another individual for their use. It is a violation of this Code for any license holder to
1181 use any license that is not a part of his own record.

1182

1183 **158 - SIMULTANEOUS CHARGE OF MORE THAN ONE PLANT**

1184 It is unlawful for a licensed operating engineer, from the Mechanical Inspection Division, to be

1185 concurrently or simultaneously **in charge** of more than one plant or location at the same time.”

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS_____

PRESIDENT OF COUNCIL

DELIVERED TO THE MAYOR ON_____

APPROVED:

DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON _____ **AT** _____

CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT: